

2. REMARKS / DISCUSSION OF ISSUES

Prior to entry of the present Amendment, claims 1 and 4-10 were pending in the application upon entry of the present amendment, claim 1 being the sole independent claim. In this paper, claim 1 has been amended and claims 11-16 have been added to better define Applicants' contribution to the art. No new matter has been added, support for the claim amendments and the new claims being found at least in paragraph [0013] of the published specification and the original claims.

A. Objection to the Claims

The objections to claims 1 and 6 have been considered, and are believed to be fully addressed by the present amendment. Withdrawal of the objections is respectfully requested.

B. Independent claim 1

Claims 1-3 and 6-10 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Kimura* (U.S. Patent Application Publication 2001010152). Claim 4 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Kimura* in view of *Hamano, et al.* (U.S. Patent Application Publication 20030164679). While Applicants in no way concede the propriety of the combination of *Kimura* and *Hamano, et al.*, Applicants respectfully submit that at least because the applied art fails to disclose at least one feature of claim 1, as amended, claim 1 is patentable over the applied art.

Amended claim 1 recites:

*A display comprising:
a ground plate;
at least one light emitting layer; and
at least one isolating separator layer comprising a metal material having a flake structure, each isolating separator layer being reflective and being positioned in contacting manner on said ground plate, wherein the at least one light emitting layer, and the at least one isolating separator layer are positioned immediately adjacent to each other in a contacting manner.*

The final Office Action concedes that *Kimura* fails to disclose aluminum reflective metallic material comprising aluminum flakes, and turns to *Hamano, et al.* in an attempt to remedy the admitted deficiency of *Kimura*. Specifically, the Office Action directs Applicants to paragraph [0095] of *Hamano, et al.* for the alleged disclosure of metal material comprising aluminum flakes. Applicants respectfully demur.

Paragraph [0095] of *Hamano, et al.* discloses:

It is noted here that the material of the inverted V-like structure of a reflection type, is selected from a group consisting of a metallic reflective material using metallic reflection, such as more than one metal selected from a group consisting of Al (aluminum), Ag (silver), Au (gold), Pt (platinum), Cu (Copper), Li (lithium) Cr (chromium), Ti (titanium), Fe (iron), Ge (germanium), In (indium), Mg (magnesium), Ba (barium), Ni (Nickel), Si (Silicon), Sn (tin), W (tungsten), Zn (zinc), Mo (molybdenum), Ta (tantalum) or an alloy thereof, a laminated body in which films made of those metals are laminated one upon another, resin which utilizes light reflection of conductive resin in which conductive fine particles of at least metal powder or the like are dispersed, and resin using white reflection of white resin in which white pigment is dispersed in conductive resin. Alternatively, in the inverted V-like structure of a reflection type, a reflection type material may be formed on an arbitrary material.

At best, *Hamano, et al.* identifies a number of reflective metal materials and a laminated body of films of these metals. There is no disclosure in *Hamano, et al.* however, of any metal flakes, or flake structure. Thus, Applicants respectfully submit that this reference fails to teach or suggest “*at least one isolating separator layer comprising a **metal material having a flake structure**,*” as specifically recited in claim 1. Therefore, claim 1 is patentable over the applied art.

C. General Comments on Rejections of Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicant does not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor do Applicant concurs that the basis for the rejection of any dependent claim is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

Conclusion

In view the foregoing, Applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
Phillips Electronics North America Corp.

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